

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

GOVERNMENT EMPLOYEES
INSURANCE CO., et al.,

Plaintiffs,

V.

MLS MEDICAL GROUP LLC, et al.,

Defendants.

Civil Action No. 12-7281 (SRC)

ORDER

CHESLER, District Judge

This matter having come before the Court upon the motion filed by Defendants MLS Medical Group LLC and Mark L. Schwartz, D.O. (collectively “Defendant”) to dismiss the Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) [docket entry 26]; and Plaintiffs Government Employees Insurance Co., GEICO Indemnity Co., GEICO General Insurance Company and GEICO Casualty Co. (collectively, “Plaintiff”) having opposed the motion; and Plaintiff having also cross-moved to stay all pending PIP arbitrations while its declaratory judgment claim proceeds in this action [docket entry 32]; and the Court having considered the papers filed by the parties; and the Court proceeding to rule on the motion without oral argument, pursuant to Federal Rule of Civil Procedure 78; and for the reasons expressed in the Opinion filed herewith,

IT IS on this 6th day of December, 2013,

ORDERED that Defendant's motion to dismiss the Amended Complaint [docket entry 26] be and hereby is **GRANTED**; and it is further

ORDERED that, pursuant to Federal Rule of Civil Procedure 12(b)(6), the Amended Complaint's declaratory judgment claim is **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that, pursuant to Federal Rule of Civil Procedure 12(b)(6), the claims made under the New Jersey Insurance Fraud Prevention Act ("IFPA"), N.J.S.A. 17:33A-1, et seq.; federal Racketeering Influenced Corrupt Organizations statute ("RICO"), 18 U.S.C. § 1962(c); common law fraud and unjust enrichment are **DISMISSED**; and it is further

ORDERED that, as discussed in the accompanying Opinion, the Court grants Plaintiff leave to re-plead the IFPA, RICO, common law fraud and unjust enrichment claims; and it is further

ORDERED that Plaintiff may file a Second Amended Complaint on or before January 6, 2014; and it is further

ORDERED that Plaintiff's cross-motion for a stay of all pending PIP arbitrations [docket entry 32] be and hereby is **DENIED**.

s/Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge